

1 JOSEPH P. RUSSONIELLO (CNB 44332)
United States Attorney

2 BRIAN J. STRETCH(CABN 163973)
Chief, Criminal Division

4 ALLISON DANNER (CSBN 195046)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495
7 Telephone: (415) 436-7144
FAX: (415) 436- 6982
Email: allison.danner@usdoj.gov

8 Attorneys for the United States

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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,) No. CR 07-0742 EDL
13 Plaintiff,)
14 v.) STIPULATION AND [PROPOSED]
15 DAMIEN SEXTON,) PROTECTIVE ORDER REGARDING
Defendant.) CONTACT INFORMATION FOR
WITNESSES
17 _____)

18 With regard to defendant's discovery motion seeking contact information for government
19 witnesses, the parties have agreed to the following:

20 1. The government has previously provided to defense counsel witness interview
21 summaries for all witnesses that the government has interviewed in the course of this
22 investigation. These witness interview summaries identify the name of the interviewee, but the
23 government has redacted contact information for the interviewees.

24 2. In his discovery motion filed on March 11, 2008, defendant seeks, among other items,
25 contact information for these witnesses in order to further investigate this case.

26 3. In response to defendant's motion, the government has contacted these witnesses and
27 informed them of the defendant's request. At least one witness expressed concern over the
28

possibility that the defendant might attempt to contact him or her directly.

4. Under the circumstances, the parties have agreed that the United States will provide defense counsel the contact information for each of the witnesses it has interviewed and, in particular, the home address and phone number for each witness. The parties agree that this information is for the use of defense counsel only (or for any investigators used by the defense to contact or interview witnesses) and cannot be provided to anyone else and, in particular, to the defendant. The parties agree that it is appropriate for the Court to enter a protective order memorializing this agreement. The parties agree that any person receiving such information will sign the protective order acknowledging that they have reviewed the order, understand its terms, and will not disclose the witness contact information to anyone without prior approval of either the United States or the Court.

5. Upon issuance of the protective order, the defense will withdraw that portion of its motion seeking witness contact information from the United States.

IT IS SO STIPULATED.

DATED: March 14, 2008

WILLIAM L. OSTERHOUDT
Attorney for Defendant

DATED: March 14, 2008

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ALLISON MARSTON DANNER
Assistant United States Attorney

For good cause shown, the Court enters the following protective order governing the disclosure of witness contact information in this case:

The United States has agreed to provide defense counsel the contact information for each of the witnesses it has interviewed and, in particular, the home address and phone number for

1 each witness. This information is for the use of defense counsel only (or for any investigators
2 used by the defense to contact or interview witnesses) and shall not be provided to anyone else
3 and, in particular, to the defendant, without prior approval of the United States or the Court. Any
4 persons (such as a defense investigator) given access to this information shall sign a copy of this
5 protective order acknowledging that they have reviewed the order, understand its items, and will
6 not disclose the witness contact information to anyone without prior approval of either the
7 United States or the Court. A copy of the acknowledgment of this order, and a description of
8 potential sanctions for violating the order, is attached.

9

10 IT IS SO ORDERED.

11

12 DATED: _____

13 ELIZABETH D. LAPORTE
United States Magistrate Judge

1 ACKNOWLEDGMENT OF STIPULATION AND PROTECTIVE ORDER

2 The undersigned acknowledges that he or she

- 3 i. reviewed the attached Stipulation and Protective Order;
- 4 ii. understands its contents;
- 5 iii. agrees not to disclose the contact information for any witnesses provided
6 by the United States (such as the home address and phone number for each
7 witness) to anyone else, and in particular to the defendant, without the
8 prior approval of the United States or the Court;
- 9 iv. understands that failure to abide by this Order may result in sanctions by
10 the United States District Court for the Northern District of California;
11 and
- 12 v. agrees to submit to the jurisdiction of the District Court for the
13 punishment of any violations of the Order.

14 NAME

15 SIGNATURE

16 DATE

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